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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,875	02/26/2002	Katsuya Matsunaga	JP920000430US1	4944

25299 7590 06/10/2004

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EXAMINER

LEFLORE, LAUREL E

ART UNIT PAPER NUMBER

2673

DATE MAILED: 06/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,875

Applicant(s)

MATSUNAGA, KATSUYA

Examiner

Laurel E LeFlore

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,13-16,18,20,21,23,25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,6,13-16,18,20,21,23,25, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Jondrow 5,416,479.

3. In regard to claim 29, Jondrow discloses an input device (see figure 8) comprising a plate main unit (element 50), a finger support section (element 57) pivotably coupled to the plate main unit on a pivot axis, and a first and second member (elements 138 and 142). The first and second member are pivotably coupled to the plate main unit on the pivot axis, since they are attached to the finger support section. The first and second member are on opposite sides of the finger support section, as they are on left and right sides of the finger support section. The first and second members each have a respective input switch. Further see column 7, lines 17-21, disclosing, "The top case 57 is hinged to the base 50, and includes features for securing the two switches 84 beneath the finger operated left keycap 138 and right keycap 142." When not in use, the finger support section and first and second members fold flat against the plate main unit, as shown in figure 2. Also see figures 7 and 10.

4. In regard to claim 30, Jondrow discloses an input device (see figure 1) comprising a plate main unit (element 44) and a first enabling switch and a second

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enabling switch mounted on the plate main unit (element 48). Note that keyboard 48 inherently has several switches. These switches are enabling switches, as best understood, in that their inherent function is to enable input upon activation.

Jondrow further discloses a finger support section pivotably coupled to the plate main unit on a pivot axis. See column 2, lines 19-22, disclosing, "FIG. 1 shows a preferred embodiment of a handle 30 that is connected to a computer 32 by a link 34 for use as an input device for the computer." Note the handle with link extending from the plate main unit of the figure. This is a finger support section, since one must rest fingers on this handle with mouse in order to operate it as an input device. Further see column 2, lines 59, disclosing, "The link 34 is connected to move with the handle 30." This is inherently a pivotal motion, since the link and handle are connected at one point and moved about that point.

Jondrow further discloses a first, second and third member pivotably coupled to the plate main unit on the pivot axis. Since the entire handle and linked are pivotably coupled to the plate main unit on the pivot axis (see previous paragraph), then all components of the handle and link are also moved. Three such components are the link and the two keycaps 138 and 142 (see figure 8 and rejection of claim 29).

Jondrow further discloses that the first, second and third members each have a respective input switch. See rejection of claim 29 for the second and third members (keycaps 138 and 142) having input switches. The link also has input switches. See column 4, lines 12-15, disclosing, "Three adjacent electrically conductive strips 62, 64,

66 are carried on the upper surface (shown in FIG. 3) of the link 34 for conducting switch-state signals from the handle to the computer”.

It is further inherent that the first and second enabling switches define alternate input signals generated by the respective input switches of the first, second and third members, since the first and second enabling switches are key inputs and the input switches of the first second and third members relate to position encoding and conventional mouse inputs.

5. In regard to claim 31, see rejection of claim 30. Note again that the switches on the plate main unit are keyboard switches.

6. In regard to claim 32, Jondrow discloses that, when not in use, the finger support section and first, second and third members fold flat against the plate main unit. See figure 1 and column 2, lines 23-25, disclosing, “The computer housing 36 includes a stowage compartment 38 into which the handle 30 may be inserted and stowed when not in use.” Further see column 6, line 36, disclosing “the folded portion of the link extension piece”.

Allowable Subject Matter

7. Claims 1, 2, 4, 6, 13-16, 18, 20, 21, 23, 25, 27 and 28 are allowed. The following is a statement of reasons for the indication of allowable subject matter: An input unit, wherein operation of switches is effected by sandwiching a pivotable finger support member between two fingers or placing the fingertips between a main unit and a pivotable finger support member, in combination with the other limitations of the claims was not found in any prior art.

Response to Arguments

8. Applicant has amended the specification to overcome the objections of Paper No. 3. Objection to the specification is withdrawn.

9. Applicant's arguments with respect to claims 29-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel E LeFlore whose telephone number is (703) 305-8627. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (703) 305-3885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LEE

LEL
4 June 2004


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